

Notice of Allowability	Application No.	Applicant(s)
	10/786,543	OTANI, HIROSHI
	Examiner Kevin Quinto	Art Unit 2826

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 5 January 2005.

2. The allowed claim(s) is/are 1-9.

3. The drawings filed on 26 February 2004 are accepted by the Examiner.

4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. <input type="checkbox"/> Notice of References Cited (PTO-892)	5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____.
3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>26 February 2004</u>	7. <input type="checkbox"/> Examiner's Amendment/Comment
4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
	9. <input type="checkbox"/> Other _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see p.7-8 of the response, filed January 5, 2005, with respect to claims 1-9 have been fully considered and are persuasive. The rejection of claims 1-9 has been withdrawn.
2. With regard to the rejection of claims 1-9 under 35 USC § 112, amended claim 1 overcomes the rejection cited in the previous Office action.
3. The applicant's arguments with reference to the rejection of claims 1 and 3 under 35 USC § 102, as being anticipated by Yagi (USPN 5,346,858) and the rejection of claim 2 under 35 USC § 103, as being unpatentable over Yagi (USPN 5,346,858) in view of Wolf and Tauber ("Silicon Processing for the VLSI Era, Volume 2 - Process Integration" p. 851-852) and further in view of Schulte (USPN 4,391,032) and the rejection of claim 4 under 35 USC § 103, as being unpatentable over Yagi (USPN 5,346,858) in view of Ristic (USPN 5,545,912) have been found to be persuasive. The applicant has pointed out the differences between the applicant's claimed invention and the prior art reference of Yagi (USPN 5,346,858) with regard to the electrodes and the location of the potential drawing portions.

Allowable Subject Matter

4. Claims 1-9 are allowed.

5. The following is an examiner's statement of reasons for allowance: the examiner is unaware of any prior art which suggests or renders obvious a semiconductor device having an upper substrate (with a plurality of through holes) and a lower substrate with a plurality of semiconductor substrates between them (which form a fixed electrode and a variable electrode) while each of the semiconductor substrates has a conductive region which is in an abutting arrangement with the through holes of the upper substrate and at least one of the semiconductor substrates forms a frame which surrounds the other semiconductor substrates and has its conductive region in its corner.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quinto whose telephone number is (571) 272-1920. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KVQ

NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800